**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH**

**...**

**FAO NO. 3389 OF 2006 (O&M)**

Decided on : May 10, 2007

**Om Devi** **...**Appellant

VERSUS

**Chander Shekhar and others** **...**Respondents

CORAM :
HON'BLR MR.JUSTICE A.N.JINDAL

Present: Mr.Harkesh Manuja, Advocate for the applicant-appellant.

A.N.JINDAL, J.-

On account of injuries suffered in a vehicular accident, the appellant Om Devi was awarded a sum of Rs.2,57,500/- along with interest at the rate of 9% per annum from the date of filing the petition, till realisation of the award amount, by the Motor Accident Claims Tribunal, Rohtak vide its award dated 18.12.2004, which she has challenged through the present appeal.

On account of 406 days delay in filing the appeal, the appellant has prayed for condonation of delay on the grounds that she has been permanently residing in village Ismaila and had suffered serious injuries in an accident. She remained under continuous medical treatment, till January, 2006. Consequently, she applied for copy of the judgment on 13.1.2006, which was received on 18.1.2006. Thereafter, she filed the instant appeal

on 28.4.2006.

Having examined the records of the case, it appears that the appellant has been sufficiently compensated for the injuries suffered by her. So far as delay in filing the appeal is concerned, no plausible explanation has been given by the appellant for the same. There is nothing on the file to support her plea of medical treatment from 18.12.2004 to 13.1.2006. The law of limitation cannot be taken for a ride on the wish or desire of the appellant. Each day's delay in filing the appeal is to be explained. The abrupt filing of the appeal after the expiry of one year and four months clearly amounts to misuse of the process, because it appears that having been satisfied with the award, she did not prefer the appeal, but later on, on being prompted, she prepared this appeal.

Consequently, finding no sufficient grounds, application for condonation of delay is dismissed. Resultantly, the appeal also fails.

May 10, 2007 ( A.N.JINDAL )
gian JUDGE

To be Referred to Reporter - **Yes/ No**